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Promotion and protection of human rights

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Letter dated 26 April 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a position paper entitled "Human rights in the context of armed conflict" (see annex), prepared in connection with the Security Council briefing on the maintenance of international peace and security: human rights and prevention of armed conflict, held on 18 April 2017.

I should be grateful if you would have it circulated as a document of the Security Council and the General Assembly, under agenda item 68.

(*Signed*) P. **Ilichev**
Chargé d'affaires a.i.

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Annex to the letter dated 26 April 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

Human rights in the context of armed conflict (position paper)

The current global situation reflects a rapidly changing structure of challenges and threats that are transnational in nature. New and dangerous hotspots have been added to long-standing conflicts. There is a high risk of breakdown in interfaith and intercivilizational relations. This has a negative impact on people whose fundamental rights, including the right to life, are increasingly being violated.

The promotion and protection of human rights, together with the maintenance of peace and security, and development issues, are key activities of the United Nations. The main reason for the establishment of the United Nations, as set forth in its Charter seventy years ago, was to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and to promote social progress. Shortly thereafter, the Universal Declaration of Human Rights was adopted.

In the years since then, the Organization has developed and operated a wide range of instruments for the protection and promotion of human rights. The Security Council has never been one of those instruments.

Various aspects of the issue of human rights are present in the work of the Council, and they are periodically addressed during thematic or country discussions. However, the Security Council is not intended to fulfil the tasks of ensuring the observance of human rights and is not designed to conduct a substantive analysis of the situation in this sphere. Under its mandate, the Council cannot serve as a forum for discussions of any human rights situations, wherever they may be.

The Council is an organ with unique powers to make decisions, including those providing for the use of force in situations that pose a threat to peace, a breach of peace or an act of aggression.

No international human rights instrument provides for the delegation of any oversight or other functions by the Security Council in this sphere. The Council has only those powers with which it was endowed by Member States through the Charter. Seeking to go beyond those powers inevitably encroaches on the competence of States or other bodies of the United Nations system, each of which has its own tasks and role.

The promotion in the Security Council of a human rights perspective linked to the objectives of maintaining international peace and security provides a tool for exerting political pressure on individual countries. The expansion of the human rights component within the Council will inevitably lead to further criticism of it going beyond its mandate, its politicization and double standards in its work, which undermines trust in the Security Council.

Human rights issues should be dealt with in the specialized bodies, primarily in the Third Committee of the General Assembly and in the United Nations Human Rights Council. The United Nations system will be able to function effectively and fulfil its mandates in a meaningful way only if it performs efficiently in each area of its work. There is a need for a more cautious and careful approach to the current division of labour within the United Nations.

Conflict prevention is an important issue in the context of maintaining international peace and security. Indeed, without guaranteeing sustainable peace and

security and successful conflict prevention, it is impossible to ensure respect for human rights. It is impossible to work effectively on the promotion and protection of such rights where blood is shed and civilians die. The prevention and settlement of armed conflict are the main prerequisites for correcting human rights situations, and not vice versa.

We do not share the view that human rights violations are the main cause of armed conflict or that human rights protection is a key instrument for preventing them. Practice demonstrates otherwise. Political pressure and sanctions, interference in the internal affairs of other States and attempts to undermine their sovereignty, including under the pretext of protecting human rights, are completely contrary to the goal of conflict prevention. Such actions result in serious crises, the destabilization of entire regions, a rise in terrorist threats and the creation of large areas of chaos and violence, where it is impossible to guarantee not only political and economic rights, but even the basic right to life.

The main responsibility for preventing armed conflicts and for promoting and protecting human rights lies with States. The task of the United Nations is to foster cooperation that improves the international legal framework and facilitates the establishment and development of the potential of State institutions, while respecting their sovereignty and the division of labour within the Organization itself.